

7-29-05

1642  
B / (TF)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/251,133  
Applicant: Shah, G. V.  
Filed: February 16, 1999  
Art Unit: 1642  
Examiner: Christopher Yaen  
Title: NEUROENDOCRINE MARKER OF PROSTATE CANCER  
AND METHOD FOR PRODUCING SAME  
Docket No.: 01819232  
Customer No.: 26565

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. § 10.40(c))**

**REQUEST FOR PERMISSION TO WITHDRAW**

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

*(Check the following item, if appropriate)*

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under 37 C.F.R. § 1.60(b) or 37 C.F.R. § 1.62(c), this withdrawal request is also for such continuing application.

**LAST KNOWN ADDRESS OF CLIENT**

2. The last known mailing address of the inventor(s) or assignee(s) of the entire interest is:

Shaji George, PhD.  
Bionova Pharmaceuticals, Inc.  
719 Carmans Road  
Massapequa Park, NY 11762

Richard L. Huston, Ph.D.  
Kansas University Medical Center  
3901 Rainbow Boulevard  
Mail Stop 1039  
Kansas City, KS 66160

### **BASIS FOR WITHDRAWAL REQUEST**

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c)(1)(vi).  
*Explanation (including brief description of exhibits, if any)*

The client has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services.

### **ALLOWANCE OF TIME FOR CLIENT TO ACT**

4. Status of this Application

A. Response due *(if any)*

- (i) ☐ There is no outstanding term for response.  
(ii) ☐ There is an outstanding term for response that is set to expire on \_\_\_\_\_  
The above term is extendible under 37 C.F.R. § 1.136(a), until

\_\_\_\_\_ and the fees for such extension ☐ are ☐ are not being submitted herewith.

- (iii) ☐ Also, submitted herewith, is a response to the outstanding Official Action.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a) is:

- ☐ at least \_\_\_\_\_  
☐ cannot be calculated because this case is/will now be awaiting action by the PTO.

### **NOTIFICATION OF CLIENT**

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including any attachments, is being sent to the client. A copy of the letter to the client is attached.

### **NUMBER OF COPIES OF REQUEST**

6. This request is enclosed in triplicate.  
*(To expedite the handling of request for permission to withdraw as attorney under 37 C.F.R. § 1.36, submit the request in triplicate.)*

7. Related Applications for Which Withdrawal is Requested

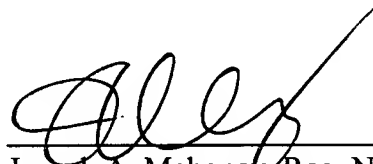
Withdrawal also is (has been) requested in the following related application(s) of the  
☐ inventor ☐ assignee

---

---

**SIGNATURE(S) OF WITHDRAWING ATTORNEY(S)**

8. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)



---

Joseph A. Mahoney, Reg. No. 38,956

Date: July 28, 2005

**MAYER, BROWN, ROWE & MAW LLP**

P.O. Box 2828

Chicago, IL 60690-2828

Telephone: (312) 701-8979

Facsimile: (312) 706-9000



July 28, 2005

MAYER  
BROWN  
ROWE  
& MAW

Shaji George, PhD.  
Bionova Pharmaceuticals, Inc.  
719 Carmans Road  
Massapequa Park, NY 11762

Richard L. Huston, Ph.D.  
Kansas University Medical Center  
3901 Rainbow Boulevard  
Mail Stop 1039  
Kansas City, KS 66160

Mayer, Brown, Rowe & Maw LLP  
71 South Wacker Drive  
Chicago, Illinois 60606-4637

Main Tel (312) 782-0600  
Main Fax (312) 701-7711  
www.mayerbrownrowe.com

Joseph A. Mahoney  
Direct Tel (312) 701-8979  
Direct Fax (312) 706-8530  
jamahoney@mayerbrownrowe.com

**Re: Patent Work for Bionova Pharmaceuticals, Inc.  
and University of Kansas Medical Center  
Research Institute**

Dear Shaji and Dr. Huston:

Due to the long-term delay in payment of your outstanding balance, we must withdraw from your representation on the following matters, effective immediately.

<u>MBR&amp;M Matter No.</u>	<u>Country</u>	<u>Application Number</u>
05008815	Australia	2002344775
05008830	Europe	2744407.4
01819330	PCT	PCT/US0042737
02995407	PCT	PCT/US0219237
01819232	US	09/251133

Accordingly, we will take no further action on these cases, which could result in the abandonment of patent rights.

Please call me with any questions.

Sincerely,

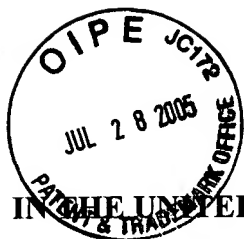
Joseph A. Mahoney

JAM/rlc

1288943.1 26-Jul-05 15:34 01922352

Brussels Charlotte Chicago Cologne Frankfurt Houston London Los Angeles Manchester New York Palo Alto Paris Washington, D.C.  
Independent Mexico City Correspondent: Jauregui, Navarrete, Nader y Rojas, S.C.

Mayer, Brown, Rowe & Maw LLP operates in combination with our associated English limited liability partnership in the offices listed above.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/251,133  
Applicant: Shah, G. V.  
Filed: February 16, 1999  
Art Unit: 1642  
Examiner: Christopher Yaen  
Title: NEUROENDOCRINE MARKER OF PROSTATE  
CANCER AND METHOD FOR PRODUCING SAME  
Docket No.: 01819232  
Customer No.: 26565

CERTIFICATE OF MAILING BY  
"EXPRESS MAIL"  
"Express Mail" mailing label number  
EV113371095 US  
Date of Deposit: July 28, 2005  
I hereby certify that this paper or fee is being  
deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" under 37  
CFR 1.10 on the date indicated above and is  
addressed to COMMISSIONER FOR PATENTS,  
P.O. BOX 1450, ALEXANDRIA, VA 22313-1450

typed or printed name of person mailing paper or  
fee: Tim Hubalik

  
Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

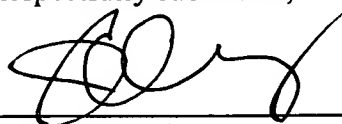
Dear Sir:

Enclosed herewith are the following for the above-captioned application:

1. Request for Withdrawal as Attorney in triplicate;
2. Copy of letter to client regarding notification of withdrawal; and
3. Return receipt postcard.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joe Mahoney', is written over a horizontal line.

Joseph A. Mahoney  
Reg. No. 38,956

Date: July 28, 2005

**MAYER, BROWN, ROWE & MAW LLP**

P.O. Box 2828

Chicago, Illinois 60690-2828

Telephone: (312) 701-8979

Facsimile: (312) 706-9000